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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,877	11/08/2001	Tsuyoshi Kano	7217/65961	7475
530	7590	06/29/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			HOSSAIN, FARZANA E	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,877	KANO, TSUYOSHI	
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 05/15/06. Claims 1, 5, 8, 11 are amended. Claims 3 and 6 are cancelled. Claims 2, 4, 7, 9, 10, 12 and 13 have been previously presented.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard (US 6,438,752 and hereafter referred to as "Mcclard") in view of Ozer et al (US 6,704,929 and hereafter referred to as "Ozer").

Regarding Claim 1, McClard discloses a broadcast receiver (Figure 3, 38) comprising: a receiving unit for selecting a channel (Figure 3, 60) and for receiving a broadcast (Figure 3, 32, Figure 2, 32); a controller for controlling channel selection by the receiving unit (Figure 3, 50) and for detecting a reception log or viewing behavior information (Column 5, lines 52-65); a storage unit or a memory in which the detected reception log is recorded (Column 5, lines 52-65). McClard discloses the controller records a reception as the reception log in the storage unit when the receiving unit continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65). McClard is silent on an interface for transmitting the reception log read from the storage unit to an external computer. Ozer discloses a broadcast receiver (Column 6, lines 1-5, 40-42) comprising: a receiving unit for selecting a channel (Column 6, lines 44-46) and for receiving a broadcast (Figure 1, 150); a controller for controlling channel selection by the receiving unit (Column 7, lines 34-40) and for detecting a reception log or viewing behavior information (Column 7, lines 34-40, Column 8, lines 23-25, 59-64); a storage unit in which the detected reception log is recorded (Figure 2, 220). Ozer discloses that there is a connection from the management device, located within a display device (Column 6, lines 40-42), to the Internet to transmit the viewing behavior information to a central location or an interface

for transmitting the reception log read from the storage unit to an external computer (Column 10, lines 7-20). Therefore, it would have been obvious at the time the invention was made for transmitting the reception log read from the storage unit to an external computer (Column 10, lines 7-20) as taught by Ozer in order to track viewing information locally and periodically transmit to a remote site (Column 3, lines 40-41) and to be determine interactive features for programming and to determine accurate viewing behavior (Column 2, lines 19-30) as disclosed by Ozer.

Regarding Claim 2, McClard and Ozer disclose all the limitations of Claim 1. Ozer discloses the reception log stored in the storage unit is transmitted to the external computer at a predetermined period or periodically (Column 10, lines 7-10, 46-50 Column 13, lines 10-12).

Regarding Claim 4, McClard and Ozer disclose all the limitations of Claim 1. McClard discloses the recording of the channel received by the receiving unit (Column 5, lines 56-62), and program identification and the reception period in the memory or storage unit (Column 5, lines 62-65). Ozer discloses that the controller records one of the channel received by the receiving unit (Figure 4, 420) and program identification information (Figure 4, 430) and reception period information (Figure 4, 410) in the storage unit (Figure 3, 350, Figure 2, 220).

5. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClard in view of Sezan et al (US 2005/0091685 and hereafter referred to as "Sezan").

Regarding Claim 5, McClard discloses a broadcast receiver (Figure 3, 38) comprising: a receiving unit for selecting a channel (Figure 3, 60) and for receiving a

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broadcast (Figure 3, 32, Figure 2, 32); a controller for controlling channel selection by the receiving unit (Figure 3, 50) and for detecting a reception log or viewing behavior information (Column 5, lines 52-65); a storage unit or a memory in which the detected reception log is recorded (Column 5, lines 52-65). McClard discloses the controller records a reception as the reception log in the storage unit when the receiving unit continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65). McClard is silent on a mounting section on which a removable storage unit having a computer interface is mounted; wherein by mounting the storage unit on the mounting section the reception log detected by the controller is recorded in the storage unit; and by mounting the storage unit on an external computer the computer reads the reception log from the storage unit. Sezan discloses a mounting section on which a removable storage unit or a smart card having a computer interface is mounted (Pages 3-4, paragraph 0045); wherein by mounting the storage unit on the mounting section the reception log or user viewing habits detected by the controller is recorded in the storage unit (Pages 3-4, paragraph 0045); and by mounting the storage unit on an external computer or another television receiver in a hotel room the computer reads the reception log from the storage unit (Pages 3-4, paragraph 0045). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in

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the art to modify Mcclard to include a mounting section on which a removable storage unit having a computer interface is mounted (Pages 3-4, paragraph 0045); wherein by mounting the storage unit on the mounting section the reception log detected by the controller is recorded in the storage unit (Pages 3-4, paragraph 0045; and by mounting the storage unit on an external computer reads the reception log from the storage unit (Pages 3-4, paragraph 0045) as taught by Sezan in order to allow user preferences to become portable (Pages 3-4, paragraph 0045) and to have a system which allows personalized viewing of audiovisual information (Page 1, paragraph 0001) and to allow viewers to have his particular viewing preferences regardless of the device used (Page 1, paragraph 0005) as disclosed by Sezan.

Regarding Claim 7, Mcclard and Sezan disclose all the limitations of Claim 5. Mcclard discloses the controller records one of the channel received by the receiving unit (Column 5, lines 56-62), and program identification (Column 5, lines 62-65) and the reception period in the memory or storage unit (Column 5, lines 62-65).

6. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivanyi (US 6,286,140) in view of Mcclard.

Regarding Claims 8 and 11, Ivanyi discloses a viewing and listening information computing apparatus (Figure 1, 4, Figure 4) comprising: reception state management means for obtaining a reception log of at least one broadcast receiver (Figure 1, 4, Figure 2, 45); a database in which the obtained reception log and program information concerning a broadcast program are recorded (Figure 1, 4, Figure 4, 56, Column 10,

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lines 1-8, Figure 5, 90); and viewing and listening information management means (Figure 4, 41) for computing viewing and listening information which is information concerning viewing and/or listening based on the reception log and the program information read from the database (Column 9, lines 25-40, lines 66-67, Column 10, lines 1-8, lines 59-65). Ivanyi discloses that the television viewer behavior is monitored for channel being viewed (Column 9, lines 66-67, Column 1-10). Ivanyi is silent on the predetermined time a channel and/or program is viewed and to not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period. McClard discloses a broadcast receiver (Figure 3, 38) comprising: a reception of at least one broadcast receiver only when the only one broadcast receiver continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously receive a channel and/or a program for at least the predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ivanyi to include that a reception of at least one broadcast receiver only when the only one broadcast receiver continuously receives one of a channel (Column 5, lines 52-65) and a program (Column 5, lines 52-65) for at least a predetermined period (Column 5, lines 52-65) and does not record a reception in the reception log in the storage unit when the receiving unit does not continuously

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receive a channel and/or a program for at least the predetermined period or only records if the channel remained tuned for a predetermined period (Column 5, lines 52-65) as taught by Mcclard in order to provide an easier way for users to browse through programs to programs that they find interesting (Column 2, lines 1-7) as disclosed by Mcclard.

Regarding Claims 9 and 12, Ivanyi and Mcclard disclose all the limitations of Claims 8 and 11 respectively. Ivanyi discloses that the reception log includes one of channel received by the broadcast receiver (Column 10, line 1, Column 7, lines 19-20), program identification information or detailed information in reference to a o program or commercial (Column 10, lines 59-65, Column 11, lines 1-12) and reception period information (Column 8, lines 1-25, Column 10, lines 1-8); and the viewing and listening information to be computed includes an audience rating for one of a predetermined channel (Column 9, lines 38-40) and program (Column 10, lines 59-64, Column 11, lines 1-12).

Regarding Claims 10 and 13, Ivanyi and Mcclard disclose all the limitations of Claims 8 and 11 respectively. Ivanyi discloses that the reception log includes one of a channel received by the broadcast receiver (Column 10, line 1, Column 7, lines 19-20) and program identification information or detailed information in reference to a o program or commercial (Column 10, lines 59-65, Column 11, lines 1-12) and reception period information (Column 8, lines 1-25, Column 10, lines 1-8); and the viewing and listening information to be computed includes a non-viewing and non-listening rating for one of a predetermined channel or program or the central computer processes polling

information for a large group of viewers to obtain statistical information about viewer behavior for demographic and geographic groups, which reads on viewers and non viewers being polled on programs/channels viewed (Column 9, lines 34-40, Column 10, lines 53-67, Column 11, lines 1-24).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bedard (US 5,801,747) and Maissel et al (US 6,637,029 and hereafter referred to as "Maissel").

Bedard discloses recording a reception log, which records the data after a user, has continuously watched a program and/or channel for a predetermined period.

Maissel discloses recording a reception log or profile, which either can record channel surfing data or can ignore channel surfing data (Column 17, lines 25-35).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

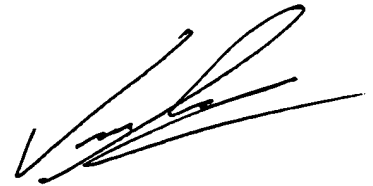
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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FEH
June 22, 2006

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Vivek Srivastava.

VIVEK SRIVASTAVA
BY EXAMINER